

**2002 No. 2689**

**SOCIAL SECURITY**

**The Social Security (Paternity and Adoption)  
Amendment Regulations 2002**

*Made - - - - 29th October 2002*

*Laid before Parliament 1st November 2002*

*Coming into force in accordance with regulation 1(1)*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 124(1)(e), 136(3) and (5)(b), 137(1) and (2)(d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and sections 1(2C), 12(1) and (4)(b), 35(1), 36(2) and (4) of, and paragraph 1 of Schedule 1 to, the Jobseekers Act 1995(b) and of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

**Citation and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Paternity and Adoption) Amendment Regulations 2002 and shall come into force—

- (a) for the purposes of regulations 2(5)(a) and 3(3), on 24th November 2002;
- (b) for all other purposes, on the date on which Chapter 1 of Part 1 of the Employment Act 2002(e) comes into force.

(2) In these Regulations—

- (a) “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(f);
- (b) “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(g);
- (c) “the Income Support Regulations” means the Income Support (General) Regulations 1987(h); and
- (d) “the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(i).

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(a) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed to the words “prescribed” and “regulations”.

(c) See section 176(1) of the Social Security Administration Act 1992 c. 5.

(d) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(e) 2002 c. 22.

(f) S.I. 1992/1814.

(g) S.I. 1987/1971.

(h) S.I. 1987/1967.

(i) S.I. 1996/207.

SOCIAL SECURITY (**PATERNITY AND ADOPTION**) AMENDMENT  
REGULATIONS 2002

[Regulation 2 amends regulations 2(1), 5, 35 and Schedule 1B of S.I. 1987/1967.]

[Regulation 3 amends regulation 1(3), 3E, 52, 98 and Schedule 7 of S.I. 1996/207.]

[Regulation 4 amends regulations 2(1), 4, 21A, 28(1) and 29(3) of S.I. 1987/1971.]

[Regulation 5 amends regulations 2(1), 4, 13A, 19(1) and 20(3) of S.I. 1992/1814.]

Signed by authority of the Secretary of State for Work and Pensions.

29th October 2002

*P Hollis*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) ("the principal Regulations").

Regulation 2(5)(a) extends entitlement to income support, where a woman is or has been pregnant and has an expected week of confinement beginning on or after 6th April 2003, to a period commencing 11 weeks before her expected week of confinement and ending fifteen weeks after the date on which her pregnancy ends. Regulation 3(3) makes similar provision in respect of joint-claim couples under the Jobseeker's Allowance Regulations 1996.

Regulation 2(5)(b) extends entitlement to income support to a person who is entitled to and taking paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1986 and who satisfies the prescribed conditions.

Regulations 2(3), 3(4), 4(3) and 5(3) amend the principal Regulations to provide that a person on statutory paternity leave or statutory adoption leave shall not be treated as engaged in remunerative work for the purposes of the principal Regulations.

Regulations 2(4) and 3(5) amend the Income Support (General) Regulations 1987 and the Jobseeker's Allowance Regulations 1996 to provide that remuneration received while on statutory paternity or statutory adoption leave is not counted as earnings for the purposes of calculating entitlement to income support or jobseeker's allowance.

Regulations 2(6), 3(6), 4(6) and 5(6) amend the principal Regulations to add statutory adoption pay and statutory paternity pay to those payments in respect of which prescribed sums are to be disregarded in the calculation of income for the purposes of those regulations.

Regulations 4(4) and 5(4) amend the Council Tax Benefit (General) Regulations 1992 and the Housing Benefit (General) Regulations 1987 to provide that—

- for the purposes of child care charges, a parent on statutory adoption leave or statutory paternity leave is to be treated as being in remunerative work when receiving housing benefit or council tax benefit;
- statutory adoption pay and statutory paternity pay are to be treated as earnings for the purposes of council tax benefit and housing benefit.

These Regulations do not impose a charge on business.

